THE

MYSORE GAZETTE.

Vol XXXII.] Published by Authority. [No. 34.

BANGALORE, THURSDAY, AUGUST 26, 1897.

PART II.

NOTIFICATIONS BY GOVT. OF INDIA, RESIDENT, CHIEF COURT, &c.

JUDICIAL DEPARTMENT.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Civil Side,

Rule of Practice No. 91, *dated 2nd August* 1897.

The following rules for regulating the fees payable in respect of an adversary's Advocate or Pleader in the Chief Court of Mysore and in the Civil Courts subordinate thereto, framed under Section 22 of the Mysore Legal Practitioners' Regulation III of 1884, are issued with the sanction of Government, in supersession of the rules contained in Civil Rules of Practice Nos. 20 and 23, dated 23rd July and 19th September 1879, respectively.

1. The sums to be entered in the Decrees of the Courts under the denomination of costs, as payable on account of fees of Advocates and Pleaders, shall, *unless the Court declare otherwise in its Judgment*, be calculated at the following rates :—

(1) On account of Plaintiff's Advocate or Pleader, if the amount or value of the property, debt or damages decreed, shall not exceed Rs. 5,000, at 5 per cent on the amount or value decreed.

(2) If the amount or value shall exceed Rs. 5,000 and not exceed Rs. 20,000, on Rs. 5,000 at 5 per cent, and on the remainder at 2 per cent.

(3) If the amount or value shall exceed Rs. 20,000 and not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder at 1 per cent.

(4) If the amount or value shall exceed Rs. 50,000, on Rs. 50,000 as above, and on the remainder at ½ per cent.

Provided that—

(*a*) In no case shall the amount of any fee in a suit in the Chief Court exceed Rs. 3,000, or in a suit in the District Judge's Court exceed Rs. 1,000.

(*b*) In cases undefended, one-half only of the fee calculated at the above rates shall be allowed.

2. On account of Defendant's Advocate or Pleader, the same rates as those specified above shall be allowed ; but the calculation shall be, where the suit is dismissed, on the amount at which the suit is valued in the plaint ; or where the suit is partly decreed, on the difference between the amount decreed and the amount of valuation.

3. The valuation of suits shall be determined according to the rules laid down in the Court Fees Act.

4. If in the opinion of the Court the questions in issue in any case are such that the labor or skill of the Advocate or Pleader would be inadequately remunerated by a fee calculated on the above scale, and also in suits where it is not possible to estimate at a money value the subject matter in dispute, and in Miscellaneous and Insolvency Proceedings, the Court may, for reasons to be recorded in its Judgment, award —

in a suit in the Chief Court, any sum not exceeding	..	Rs.	160
Do in the District or Sub-Judge's Court	..	„	50
Do in the Munsiff's Court ..	..	„	25

5. Unless the Court declare otherwise in its Judgment, the amount to be allowed on account of Advocate's and Pleader's fees in Courts of Small Causes, or in cases of a nature cognizable by a Court of Small Causes, shall be—

in suits not exceeding Rs 20 in value ..	..	Rs.	2
Do „ 50 „ ..	..	„	3
Do „ 100 „ ..	..		5

6. When the hearing of a suit is adjourned under Section 156 of the Code of Civil Procedure, the Court may include among the costs occasioned by such adjournment, to be paid by the party applying for time, Advocate's or Pleader's fees at the following scale :—

Any sum not exceeding (except for special reasons which shall be recorded)

in a suit in the Chief Court ..	..	Rs.	32
Do District or Sub-Judge's Court ..	..	„	10
Do Munsiff's Court ..	..	„	4

7. In a case where there are several defendants, not more than one Advocate's or Pleader's fee shall be allowed, except in respect of a separate defence set up by a defendant who has a separate interest.

8. The amount to be allowed on account of Advocate's and Pleader's fees in appeals, shall be calculated on the same scale as in original suits, and the principles of the above rules as to original suits shall be applied as nearly as may be to appeals.

Rule of Practice No. 92, *dated* 19*th August* 1897.

Under Section 22 of the Mysore Civil Courts Regulation 1883, the Chief Court will, from time to time, notify the dates when the Courts of the District Judges, Sub-Judges and Munsiffs, will be closed for the Annual Recess.

2. Before the Courts are closed, the District Judges will intimate to the Chief Court that all reports and returns due have been forwarded. The Subordinate Judges and Munsiffs will certify to the District Judge that no returns or report, &c., which may be due are outstanding.

3. The occurrence of the adjournment cannot be accepted as an explanation for the non-submission of statistical or other information called for by the Chief Court or by any competent authority.

4. Each Court will be required before the Recess begins to certify to the Chief Court that all monies in the hands of the Nazir have been paid into the Government Treasury. The Judge of each Court will be held responsible in the matter.

5. Arrangements should be made—

(*a*) for granting, during the adjournment, of copies of judgments, decrees, orders and other papers and documents to which parties to suits or their pleaders or others are entitled.

(*b*) for transmitting to the Chief Court, during the adjournment, of such records as may be called for, and

(*c*) for the due service and return to the Chief Court, during the adjournment, of notices issued to respondents, &c.

6. During the adjournment of a Court, the Judge is at liberty to hear and determine any suit or matter which both parties may be willing that he should so hear and determine.

7. As Courts during the Recess will be completely closed, except for the purposes noted in paras 5 and 6, plaints, petitions and appeals will not be received during the Recess All plaints, petitions and appeals which, but for the closing of the Courts, would properly be filed during the Recess should be filed on the day the Court re-opens.

8. These Rules supersede all previous Circular Orders and instructions on the subject.

By the Court,

V. A. RAJADHYA MUDALIAR, *Registrar*